

Limited Impact of the EU on Candidate States: Turkey's Employment Policy

Hakan Cavlak

Faculty of Economics and Administrative Sciences, University of Namık Kemal, Turkey

Davuthan Günaydın

Faculty of Economics and Administrative Sciences, University of Namık Kemal, Turkey

Abstract

The employment policy is one of the most disputable areas between Turkey and the EU. The EU declared two opening conditions, one about union rights and the other one about preparing an action plan displaying step by step the transposing of EU laws. Although Turkey claims that she met those criteria, the EU insists on keeping the accession negotiations in this area closed. However, there is serious gap between Turkish and European employment policies and in order to comply with the EU's, there is a strong need of enthusiasm in Turkey for proper implementation of changes made in legal and institutional structures. Simultaneously, the EU has to offer a considerable incentive, e.g. membership, for Turkey to encourage her to adapt EU rules in employment policy. Unfortunately, it is argued in this paper that the current situation is the opposite, i.e. there is no substantial incentive from the EU to encourage Turkey and thus, no enthusiasm from Turkey to comply with the EU policy. In order to analyze the impact of the EU on Turkey's employment policy the main question designed in this paper is: 'To what extent does the EU have influence on policy convergence in a candidate country that does not have a clear membership perspective?'. It is argued in this study that "without a concrete incentive, European Union's impact on a candidate country would be limited". Thus, the patterns of policy change at the national level are the dependent variable to be observed. The European Union's conditionality is the independent variable that is expected to alter the national patterns.

Key Words: European Union, Conditionality, Institutionalism, Europeanization, Employment Policy

JEL classification: F 15, F 53, J 08

Introduction

Turkey has been waiting at the gate of the EU since its initial application of 1959. The relationship between Turkey and the EU has never been a stable one. Most of the 70s and 80s were the times of inertia in Turkey-EU relations, even at the time of the 1980 coup in Turkey the connection between the EU and Turkey had almost lost. The 80s were the time for Turkey of restructuring its economy from a heavily state controlled one to a more liberalized one and redefining its external relations of which Turkey became more open to outer world especially to West instead of being

a relatively isolated country. The era of economic development and political dynamism encouraged Turkey in 1980s and since late 1980s, Turkey has demonstrated a political enthusiasm for integration with the EU and, acted more willingly to fulfill the requirements of this objective. In 1990s, relations gained accelerated with the completion of the Customs Union. Although after not being announced as an applicant country in Luxembourg Summit of 1997, to some extent, the relations got frozen. At the Helsinki Summit of 1999, Turkey has been announced as an applicant country and the EU and Turkey got closer and their relations became more institutionalized. Since the Brussels Summit of 2004, where the EU granted Turkey the date for accession negotiations, the relationship between Turkey and the EU has taken the current shape.

Turkey, since Helsinki Summit but especially after the Brussels Summit of 2004, is dealing with the issue of integration with the EU acquis, which could be found in 33 topics of accession negotiations. It is seemed that in most fields; Turkey's legal structure, methods of application and determination to apply those legal rules and Turkey's institutional structure are not quite compatible with that of the EU's. In some fields this incompatibility seems to be easily overcome, however, in most areas the incompatibility seems very hard to be carried out.

Policy of "conditionality" can be defined as a salient strategy of the EU against candidate countries. However, simple implementation of conditionality cannot basically explain the bases of governance and the conditions in which the candidate countries comply with the EU rules. EU conditionality might be seemed comprehensive, but it does not always end with the convergence of certain policy areas or complying of some countries. Thus, it is required to make a distinction analytically between the use of 'conditionality' as a political strategy and its causal impact on domestic politics. The dominant logic supporting EU conditionality is a bargaining strategy of influencing by reward, under which the EU provides incentives for a target government to comply with its conditions.

The employment policy is one of the most disputable areas between Turkey and the EU. The EU declared two opening conditions, one about union rights and the other one about preparing an action plan displaying step by step the transposing of EU laws. Although Turkey claims that she met those criteria, the EU insists on keeping the accession negotiations in this area closed. The employment issue has always been an important problem for Turkey. Since 1960s Turkey claimed herself as being a social welfare state, and as a welfare state one of her integral problems have always been to solve problems in the employment area. Especially, since 1980s, Turkey faced the dilemma of economic growth without creating new jobs, thus could not decrease the unemployment rates. Eventually, although it is claimed that Turkey is a social state, in order to keep unemployment at a certain level Turkey produced a pro-employer employment policy. Especially, job security and wages kept at quite a low level with the claimed purpose of politicians not discouraging employers to recruit people. Moreover, for some political and ideological reasons, the right of association in many areas, including employment, has been destroyed and had not been let to be properly reestablished since 1980s, thus the number, rights and power of organized employees, i.e. trade unions, which may struggle to improve the rights of the workers, are very limited. Consequently, there is a serious gap between Turkish and European employment policies and in order to comply with the EU's, there is a strong need of enthusiasm in Turkey for proper implementation of changes made in legal and institutional structures. Simultaneously, the EU has to offer a considerable incentive, e.g. membership, for Turkey to encourage her to adapt EU rules in employment policy. Unfortunately, it is argued in this paper that the current situation is the opposite, i.e. there is no substantial incentive from the EU to encourage Turkey and thus, no enthusiasm from Turkey to comply with the EU policy.

In order to analyze the impact of the EU on Turkey's employment policy the main question designed in this paper is: *'To what extent does the EU have influence on policy convergence in a candidate country that does not have a clear membership perspective? 'Employment and Social Policy chapter in accession negotiations between Turkey and the EU has been chosen as the case of this research as providing to have an answer on this question.* In order to carry out the research more systemically, four secondary questions have been formulized as: What are the theories that explain policy convergence? What is European Employment approach? What are the expectations from Turkey and the changes occurred in Turkish employment policy? Do any of the integration theories fit in this case? Thus, the main objective of this paper is *'analyzing the extent of EU influence on Turkish employment policy.'* Furthermore, it is argued in this study that "without a concrete incentive, European Union's impact on a candidate country would be limited".

The main focus of the study would be upon the policy convergence on employment policy that took place since the starting of accession negotiations between Turkey and the EU. Therefore, the patterns of policy change at national

level are the dependent variable to be observed. The European Union's conditionality is the independent variable that is expected to alter the national patterns.

The Means of EU Conditionality: A Theoretical Framework

Theoretically and empirically, measuring the influence of the EU on candidate countries has been a tough issue. Theoretically, the literature on Europeanization is usually deals with EU governance, institutional change, supranational policy formulation, policy convergence in member states (Schimmelfennig & Sedelmeier, The Europeanization of Central and Eastern Europe, 2005). Moreover, even if literature deals with a candidate country, empirically, domestic structures of subject countries, and the EU perception of those countries and the incentives offered by the EU to them are usually neglected. Although the number of literature dealing with non-member states is increasing, the bulk of the literature on EU influence on domestic structures generally dealt with member states not candidate countries (Schimmelfennig & Sedelmeier, Introduction: Conceptualizing the Europeanization of Central and Eastern Europe, 2005). However, the most interesting cases for Europeanization, like Turkey and other candidate or neighbor countries, left understudied as the literature progress to investigate the particular instruments of EU effect (Knill & Lehmkuhl, 2003), (Borzell & Risse, 2003). This makes for a substantial selection preference that affects the outcomes of academic inquiry. However, the dependent variable constitutes the basic conceptual problem that what is measured when the European Impact is measured. Compliance of the candidate states with the EU rule has been analyzed by many researchers, such as: transposition of EU law into their national laws, convergence of some policy areas, institutional change and changing domestic political and economic practices substantially formulized in Copenhagen Criteria and Maastricht Criteria.

The measures mentioned above are not enough to fully explain the compound ways hoe the candidate countries respond the efforts come from the EU. The reason why the Europeanization scholarship have a tendency to overstate successful cases and understate unsuccessful Europeanization attempts, supposing that, in time, the states that reacted negatively would come along with the EU rules and ideas and leave their undemocratic or old fashioned ways of politics and policy making by persistent and constant pressure from the EU, through mechanisms of coercion, socialization, or persuasion (Schimmelfennig, 2000), (Kelley, 2004). However, against various explanatory tools conceptualized by Europeanization literature, it is observed that in general Europeanization concept and in particular some explanatory tools of Europeanization are quite limited in explaining Turkey – EU relations.

Top-down approach is quite common in analyzing European impact on Turkey, which is considered a basic and direct rule transfer from the EU to Turkey (Ugur, 2008). Thus, policy formulation procedures and processes at the EU level and interaction between Turkey and the EU are neglected. Accordingly, a conceptual differentiation between EU-ization, which is simply adoption of EU *acquis*, and Europeanization, which have wider and deeper implications at societal level, have to be considered (Kaliber, 2008). Moreover, the concepts of adopting a policy and implementing a policy are not clearly distinguished in most of the Europeanization studies (Müftüler Baç, 2005). Therefore, Turkey's inactivity in implementation of the policies which had already been adopted is usually neglected. Furthermore, as most of the other polities in the world, external relations of the EU are affected by internal events such as deepening, enlargement or economic crisis etc. However, most of the scholars fail to see the internal dynamics of the EU in Turkey – EU relations (Kahraman, 2000). Especially, the notion of "absorbing capacity of the EU" is quite prevalent among EU scholars who are uneasy about Turkey's full membership to the EU.

Additionally, the meaning of the Europeanization is controversial, especially in EU – Turkey relations. First group scholars tend to explain Europeanization as a tool for responding instant domestic economic interests of Turkey. Accordingly, Turkey's Europeanization is based on cost-benefit calculations. Thus, if the benefits, essentially economic ones, are more than the costs then the domestic actors allow for some alteration (Noutcheva, 2009). Although, this assumption explains some cases occurred among Turkey and the EU such as closing rapidly the Science and Research chapter of the negotiations, it sometimes fails to formulate some occasions such as Turkey's joining to Customs Union. Turkey is the only country that joined the Customs Union even before being declared as a formal candidate to membership at that time. Openly, Turkey have had no immediate economic or strategic gain from Customs Union, contrary the consequences of being a part of the Customs Union without full membership have been heavily criticized by numerous scholar and politician (Yazıcı, 2012). Arguably, Turkey's joining to the Customs Union was political attempt to approach the EU membership; thus instead of short-term economic interests, long term

interests are at the stage. So, defining EU – Turkey relations only by short term economics and strategic interests do not always assist to explain the exact point of the case.

Furthermore, in Turkey, the concept of Europeanization is sometimes perceived as equivalent to notion of Modernization. In this sense modernization refers to industrialization, technological and scientific advance. However, the literature tend to explain Europeanization as modernization typically neglect that the EU is not only a technology and industry provider but also a provider of some norms, principles, values and institutions such as human rights, working relations, gender relations (Kubicek P. , 2005). Hence, this literature ignores any socialization effect. Europeanization is also seen as an identity – building process of Westernization which would convert Turkey from being an Eastern country to Western or European country. Therefore, western standards about secularism, liberalism, democratic principles, minority and human rights have been set as the objectives to be achieved by Turkey.

Some limitations of convergence theories, misuse of some terms and deviation in some theoretical concepts concerning EU – Turkey relations have been discussed. Hereafter, it is attempted to draw an explanatory theoretical framework for policy convergence in EU – candidate country relations based on EU conditionality. There are several theories, especially institutionalist theories such as historical institutionalism, constructive institutionalism or rational institutionalism. Nevertheless, only Rational Institutionalism explicitly deals with the effect of conditionality used by the EU on candidate countries which is the independent variable of this study.

The precise demand from the EU improves the possibility of effective compliance of candidate countries to the EU rules. By precise demand it is meant that clearly stated EU conditions; and full information and understanding of the candidate country about EU rules concerning the issue or area (Schimmelfennig & Sedelmeier, 2005, p. 8). However, in some cases uncertainty might occur due to lack of a particular EU model in various policy fields, intra-EU conflict or evolving rules in the EU, especially in the area of Justice and Home Affairs. The uncertainty negatively affects the credibility of the EU conditionality which is a very significant factor. Credibility can be understood by two ways. Firstly, the incentive offered to candidate countries must be given to them after they met the demand from the EU. Secondly, the incentives have to be offered only if candidate countries really met the requirements (Kubicek P. , 2003, p. 18). In other words, conditionality works only if it is based on credibility. For example, the debate in EU countries about Turkey's possible accession to the EU causes doubt in Turkey whether in a foreseeable future she will join the EU or not and this harms power of the EU entailed from conditionality. Political preferentialism, hidden intentions or side payments to other candidates who have not met all the criteria also harms EU credibility as in the cases of last enlargement.

In the accession negotiations the EU has a higher bargaining position based on asymmetrical interdependence (Moravcsik & Vachudov, 2003). This advantageous bargaining position provides EU the ability to hold back rewards if the conditions have not been met. Moreover, the size of reward also affects the bargaining power of the EU (Grabbe, 2003, p. 318). The full membership is the ultimate reward, however, sometimes, as in the case of Turkey's accession, being a member might be a distant objective. In such situations, intermediate rewards become critical. Enhancing links and creating institutionalized relations about trade, economics, and politics and information issues (Dimitrova & Steunenberg, 2007). For instance including the candidate to some community programs, letting them use some extra funds etc.

The state capacity, adaptation costs and differential empowerment are also effective in EU's influence. Rationalist Institutionalism argues that if the EU wants to have more influence on a candidate country it has to have domestic allies and adaptation costs in the candidate country have to be at reasonable levels (Jacoby, 2010). If the EU demands and the interests of domestic actors overlap, then the adaptation cost is expected to be low. Besides, candidate countries' policy convergence may not depend only on adjustment costs, but also on their administrative capacities (Toshkov, 2008). Beyond the administrative capacity, some literature suggest that effective implementation of EU rules in candidate countries need "strong states and strong civil societies" (Borzel & Buzogany, 2010, p. 161).

The utmost impact of the EU is in policy dimension. The impact of the EU, according to most studies, is due to the conditionality of the EU and reward of credible membership (Schimmelfennig & Sedelmeier, Candidate Countries and Conditionality, 2006). Empirical studies in the policy convergence has seen most prominently in the fields of regional policy, social policy, environmental, Justice and Home Affairs, and the EU's internal market regulations. In these researches policy convergence between the EU and candidate countries is intensive. Although, each of the studies used different explanatory factors, the credible perspective of a membership is an integral dynamic of policy

convergence. In some policy areas there might be some occasional and loose convergence even before the EU announced its conditionality; however, convergence increased significantly after EU states its accession conditions and monitors the compliance of the candidate country. The EU's impact on the Central and Eastern European Countries and their compliance with EU rules has significantly increased just after the opening of accession negotiations which is a strong evidence of the effect of credible membership perspective.

Although, the empirical studies have found strong influence of the EU in the policy dimension, as mentioned above domestic adaptation costs and veto players are also important. The prominent effect of domestic politics can be found especially in the areas where the credibility of EU demands is minimal or lacking. For instance, the responds from candidate countries to EU's demand of regionalization (not regional policy) have been quite limited, since the *acquis* does not suggest decentralization and the delegating powers to regional powers, but simply prescribes founding statistical units for allocation of structural funds (Bache, 2010). In addition, if the domestic actors use the EU conditionality as a central point to achieve their own priorities, again domestic politics would play a significant role (Brusis, 2010). Thus, it can be observed that domestic politics, although through different ways and extents, influence the policy convergence between the EU and candidate countries. Moreover it can be argued that if the membership perspective of the candidate country is credible and strong even oppositions have become inefficient.

As stated previously, main aspect that determined the effectiveness of conditionality is a credible membership perspective. Accession to the EU is the most important reward and motivation that the EU can offer, but it requires being credible. This conclusion derives the question of whether the EU can influence the current candidate states as effectively as the previous ones. Even though, these countries, which are Turkey and Western Balkan countries, have a membership perspective in principle, however, the opposition debates in the EU either on enlargement in general or accession of a particular country, namely Turkey, reduced the credibility of membership perspective. The issue of credibility is essentially prominent in Turkey. The nature of EU's conditionality also makes it easier for opposition politicians to challenge the legitimacy of EU conditions through spelling nationalistic discourse and exaggerating the adaptation costs. Bearing these negative conditions in mind the influence of the EU would be expected limited in those countries.

Taking all the mentioned insights into consideration it is argued in this study that "the impact of the EU on Turkey in general and on employment policy in particular is limited especially compared to other countries that joined the EU in previous enlargements." In the following section the approach of the EU towards employment policy would be overviewed in order to find out the policy approach that Turkey is expected to comply.

The EU Way of Dealing with Employment Problems

EU set certain rights for workers about health and safety at work, equal opportunities for women and men, protection against discrimination, labor law. Member states have to comply with those EU employment rules laid down by concerned directives. The EU has the greatest influence on the area of health and safety at work which has a clear legislative framework. The directive 89/391/EEC on health and safety at work constitutes the general framework and contain measures to improve safety and health at work, such as: encouraging occupational health and safety in all sectors, promoting workers' rights to propose on health and safety issues, and protect workers and ensure their good health at the workplace (89/391/EEC, 1989). This directive sets general principles for all sectors of activity; specific EU rules concerning health and safety cover the following areas:

- *Workplaces*: there are several directives concerning: minimum health and safety requirements for the workplaces (89/654/EEC, 1989); temporary and mobile work sites (92/57/EEC , 1992); boreholes (92/91/EEC, 1992); surface and underground extraction (92/104/EEC, 1992); protective devices and systems in potentially explosive atmospheres (94/9/EC , 1994); work aboard fishing vessels (93/103/EC, 1993); onboard medics, information, medical supplies / antidotes (92/29/EEC, 1992)
- *Work Equipment*: rules about work equipment have been set in areas of: provision of appropriate equipment (89/655/EEC, 1989); manual handling of loads involving risk (90/269/EEC, 1990); display screens: computer screens used at work (90/270/EEC, 1990); health and safety signs at work (92/58/EEC , 1992)
- *Categories of workers*: the EU also categorized the workers in order to have ability to specifically dealing with different categories of workers separately such as: pregnant /recently given birth / breastfeeding

(92/85/EEC , 1992); fixed-Term and Temporary agency workers (91/383/EEC , 1991); Young People (94/33/EC, 1994); self-Employed Workers (Council Recommendation 2003/134/EC , 2003)

- *Other areas:* there are numerous other legal measures concerning health and safety at work regulated by the EU in various fields such as: Physical Agents, Chemical agents, Carcinogenic agents, Asbestos, Biological agents, Ergonomics, Occupational diseases, Socio-economic aspects. (European Commission, 2014)

As it can be observed, the EU seriously deals with health and safety issues at work. It has issued nearly 50 legal measures concerning this area touching almost every aspect of working life. These are minimum requirements that member states have to oblige; furthering these standards is up to national governments. Thus, it can easily be argued that the EU area has a high standard of working healthy and safely.

In addition to health and safety, EU also focuses on refining living and working conditions and improving procedures about informing and consulting workers. The EU moves into mentioned areas through labor law. The EU aims for a long time to achieve high employment and strong social protection, to improve living and working conditions and to protect social cohesion. Regarding labor law, the EU complements national laws adopted by member states. The article 153 of Treaty on the Functioning of the EU provides the right for the EU to legislate in the areas of *working conditions* through regulating working hours, part-time & fixed-term work, posting of workers, informing and *consulting workers* about collective redundancies, transfers of companies, etc. (European Commission, 2014) In these areas the EU sets the minimum standards, the national governments are free to improve those standards. The EU labor law affects more than 240 million workers in the EU by providing a clear framework of rights and obligations in the workplace, protecting the health of the workforce and, promoting sustainable economic growth (European Commission, 2014). The rules of single market is also quite an important issue for employment policy of the EU since a fair competition based on the strength the products is desired not an unfair one especially exploiting the labor rights and working conditions.

The employment approach of the EU is quite a strict one. It has basically two main dimensions: first the EU aims to provide at least minimum of standards regarding health, safety, working and living conditions, and social cohesion among its citizens; second the EU does not want the fair competition to be jeopardized by labor and work related inequalities in member states. However, the EU still has some serious problems regarding employment, all those standards set by the EU and national governments create a heavy burden for both governments and businesses in the EU. They are subject to both a severe global competition and thus, changing rules of businesses which have direct effect on employment regimes of member states. So, the EU faced a dilemma of securing the jobs and easing businesses to compete with their competitors and adapt the changing rules of business making since 1990s. In other words, the labor markets, employment and working conditions wanted to be more flexible on the one hand; in contrast there is also a resilient claim to provide security for workers, especially more vulnerable group of workers.

This two sided situation has found place in the EU discourse since early 1990s. It is first mentioned in 1993 White paper of *Growth, Competitiveness and Employment* (European Commission, 1993). First clear formulation of the situation has been made in 1997 Green Paper of *Partnership for a New Organization of Work* which stated that “the key issue for employees, management, the social partners and policy makers alike is to strike the right balance between flexibility and security” (European Commission, 1997). The dilemma of security and flexibility has also been subject to several EU Summits including Essen (1994), Florence (1996), Amsterdam (1997), where the issue has been incorporated into Treaty, Luxembourg (1997), Lisbon (2000) and so forth. It has been developed as a key objective of the European Employment Strategy and a great challenge to European Social Model. Lisbon (2000) Summit had been the one within others as clearly mentioned need for flexibility but at the same time ensuring security; in its final declaration it is stated that “to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion” (European Council, 2000).

Several articles in EU Treaty force the EU to encourage both flexibility of workers and labor markets as well as to provide job security. So, in the EU legal system approaches of flexibility and security gained a legal basis. The search for a new balance between flexibility and security has become more apparent in 2002 European Employment Strategy. It addresses both security and flexibility in adaptability chapter by inviting social partners “to negotiate and implement at all appropriate levels agreements to modernize the organization of work, including flexible working arrangements, with the aim of making undertakings productive and competitive, achieving the required balance

between flexibility and security, and increasing the quality of jobs". In the last European Employment Strategy the term Flexicurity is officially pronounced and it has been announced as a crucial element of the Employment Guidelines and the European Employment Strategy as a whole. Integrated flexicurity policies play a key role in modernizing labor markets and contributing to the achievement of the 75% employment rate target set by the Europe 2020 Strategy (Commission). Accordingly, a new dilemma has been emerged. All parties concerned are required have a suitable policy models in order to meet and comply with this new paradigm of flexicurity. Therefore, firstly the concept of flexicurity have to be analyzed and its place in and significance in EU employment policy have to be found out. Subsequently, Turkish employment policy against the new European paradigm of flexicurity has to be compared.

The logic behind the flexicurity approach is to achieve the targets of providing more and better jobs and simultaneously reform the European social models. Policies that deal with both the flexibility of labor markets, work organization and industrial relations; and employment and social security are needed. So, approach of flexicurity targets to ensure an EU citizen a high level employment security (European Commission, 2007). It also targets helping employers and workers to catch the prospects brought by globalization. Thus, it creates an employment situation which security and flexibility can be existed together. So, flexicurity can be defined as: combined strategy to promote, simultaneously, flexibility and security in the labor market. By flexibility it is meant "successful moves" during a person's life time e.g. from school to work, from one job to another, between inactivity and work, and from work to retirement (European Commission, 2007). By security it is not only meant securing ones current job but preparing one with the skills that qualify them to progress in their working life (European Commission, 2007). Moreover, security aspect of this policy focuses on unemployment benefits to assist moves from one job to another. The last dimension of flexicurity is about education and training of all workers but especially the old and low skilled workers.

The European Union suggests that, based on EU's own and member states' experiences, flexicurity policies can be formulated and implemented only if they contain four policy components: "*Flexible and reliable contractual arrangements* (This includes broad coverage of social protection provisions), *Comprehensive lifelong learning (LLL) strategies* (to ensure the continual adaptability and employability of workers), *Effective active labor market policies (ALMP)* (help people cope with rapid change, reduce unemployment spells and ease transitions to new jobs), *Modern social security systems* (provide adequate income support, encourage employment and facilitate labor market mobility and healthcare)" (European Commission, 2007). There are several good experiences of implementing employment policies inspired from flexicurity in some member states such as Denmark and Netherland.

The Danish labor market demonstrates a successful example for flexicurity, "offering flexible labor laws and relatively low job protection, extensive efforts on lifelong learning and active labor market policies, and a generous social security system" (European Commission, 2007). "Skills development was encouraged by a method of job rotation, letting employees to train while unemployed people provisionally substitute them. Together, with flexible contractual arrangements, substantial social security and welfare schemes and extensive active labor market policies constitutes Danish system" (European Commission, 2007). Denmark is characterized by "very high employment rates (77.4% in 2006), very low unemployment (3.9%), youth unemployment (7.7%) and long-term unemployment (0.8%), high job turnover (one fourth of employees having been with the same employer for less than one year), high participation in lifelong learning (27.4%), low at-risk-of poverty rate (12%) and a high general feeling of security among the population" (European Commission, 2007).

In the Dutch system, part-time jobs are mostly open-ended contracts and should not be confused with 'risky employment' (European Commission, 2007). The Dutch employees, mostly females, voluntarily sign such contracts. The Dutch system contains: "(1) limiting the consecutive use of fixed-term contracts to three (the next contract being open-ended); (2) eliminating obstacles for temporary agencies; (3), recognition of fixed-term and temporary agency contracts in the labor code and introducing minimum protection and payment. Temporary agency workers would be covered by a collective agreement providing wage guarantees, training and supplementary pension" (European Commission, 2007). Employment rates are high, in general "(74.3% in 2006) as well as for women (67.7%). Employment in full-time equivalents is lower due to the high part-time rate. Unemployment is low (3.9%), and so are youth unemployment (6.6%) and long-term unemployment (1.7%). Participation in lifelong learning is relatively high (15.9%). At 11%, the at-risk-of-poverty rate is relatively low" (European Commission, 2007).

Consequently, it can be claimed that, based on the findings demonstrated, the EU is quite strict in some aspects of working life, especially fields relating rights at work are heavily regulated and there are severe rules adopted and implemented by the EU and member states which are mostly pro-employee. So, this indicates that the EU considers living, working and health conditions of the workers as utmost importance in working life. Although, not trading off of these principles, the EU employment policy tends to move to a direction of a more flexible labor market model from the old robust job security model. However, this has not to be confused that job security is unimportant for the EU, contrary it is argued that combined approach of flexicurity would ensure job security, as well. Accordingly, it can be suggested that the EU elaborates on employee rights and paves the way of employers. As a candidate country Turkey is also expected to comply with those policies that are effective in the EU. In the following section current employment policy of the Turkey would be elaborated and the level of compliance with that of the EU's would be presented.

Turkey's Efforts to comply with the EU Employment Policy

Discussing the employment in Turkey has to start with indication that labor market in Turkey is fragmented. On the one hand it is fragmented as registered and unregistered employment; on the other hand within the registered field, there are also a highly secured segment and segment of which job security is neglected. There is not much to say about unregistered employment since no reliable data exist about this kind of employment to analyze or discuss. However, the segments within registered employment are open to be discussed and maybe this fragmentation of labor market constitutes one of the main dichotomies in Turkish employment policy. Employees of public sector, unionized workers of private sector and higher-up service employees formed the first segment of which are provided by good salaries and job security. The other segment is constituted by remaining workers of labor market, almost 75% of registered workers, including employees in agricultural sector, construction sector, service sector, self-employed workers etc. (ETF, 2011) They move from one job to another and as they do not have the power to sign good contracts and guard their rights, they remain unprotected and they could not enjoy a job security and the benefits of social security system. Thus, the main problem in Turkish employment policy is seemed as the lack of a certain degree of standardized approach to all segments of labor market. As the paper progressed, the readers have to bear in their mind that developments in employment policy in Turkey may not have same effect on different segments of labor market. So, a pre-suggestion for Turkish employment policy may be offering Turkish authorities to narrow the gap between the segments in labor market.

The current labor law of Turkey has entered into force in 2003 which regulates the relations between employees and employers. Some provisions of the labor law have been intended to address expectations of International Labor Organization and the EU. Two components of the law reflect the principle of flexibility. First, uncommon forms of employment, including part-time work, on-call work, fixed term contracts and temporary employment have been recognized by this act. Secondly, a Job Security Act has been incorporated into this law which changed the rules of employment termination. No need to mention that all these changes are available for primary workers, excluding unregistered workers, which have already extreme "flexible" conditions, and for a small part of the secondary segment of registered workers. Therefore, the changes made in Turkish Labor law for providing more flexibility in line with EU's flexicurity principle made Turkish labor market even more flexible considering the wide informality.

The other integral component of flexicurity is providing reliable and effective lifelong learning systems for employees. Training opportunities after formal education is quite limited in Turkey, and thus this dimension of flexicurity is not at a satisfactory point (ETF, 2011). Apart from very limited opportunities offered by İŞKUR, Vocational Training Centers and Public Education Centers of Ministry of National Education, the only way to develop skills is to be sent to vocational schools at the age just after the primary school, which are disputable in terms their efficiency.

The third component of EU's flexicurity is the existence of a well-functioning modern social security system. The social security system of Turkey based on two dimensions. First, there is the social insurance aspect which insures employees and their dependents against risks of health, unemployment and retirement. Second, social assistance aspect of the social security system of Turkey has the objective of reduce poverty in the society. The unemployment insurance is a relatively new component for Turkish employment policy, it has been introduced in 1999 and it is very demanding to be allowed to benefit from it and, thus, the beneficiaries from this insurance scheme remained quite limited. After introduction of unemployment insurance in 1999, adopting labor law in 2003, the reform process

continued with unifying three main social security institutions into one which is Social Security Institution (SSI) in 2008. The SSI covers 81% of the population but only 27% of its members are actively working the remaining are either dependents of workers or retired people (ETF, 2011, p. 68). However, this new insurance system has not covered the employees other than the one who have full-time indefinite contracts. Although the new labor law allowed new forms of employment, SSI does not fully cover these uncommon employments. Thus, this system of social security forces people to keep their jobs instead of positive mobility in labor market. Informal workers are not covered by this system, either. Therefore, it can be argued that the Turkish social security system does not encourage employees for mobility in labor market since, it does not provide decent income when the employees are absent from the labor market.

In terms of health and safety at work the Ministry of Labor and Social Security is the top authority in Turkey. Together with the ministry, four main institutions operate in health and safety issues at work (EU-OSHA, 2014). The first one is Directorate General of Occupational Health and Safety. It has competence on preparing legislation, policy producing, providing legal authorization for individuals, institutions and organizations involved in Occupational Health and Safety. Additionally, it makes measurements at workplaces and sets measurement standards. The second institution dealing with health and safety issues at work is Labor Inspectorate Board which make scrutinizes the workplaces to see if they comply with the health and safety regulations. There is third institution which is also affiliated with the Ministry is Training and Research Centre for Labor and Social Security responsible for organizing trainings about health and safety issues for concerned parties. Finally, SSI is also one of the institutions dealing with health and safety issues by collecting and analyzing data about working life and provides compensations in case of occupational accidents and diseases. However, as it is seen all these organizations are state institutions, thus they are highly centralized institutions and work, as many of the state institutions in Turkey, under heavy bureaucratic rules which prevent them to react on time on many issues especially on urgent ones. There is a strong requirement in Turkey for independent, decentralized and specialized institutions to deal with health and safety issues at work.

As a final point, until recently, the issues concerning health and safety at work were regulated by labor law. In 30 June 2012 Turkey adopted a new act specifically focusing on health and safety issues at work with the number of 6331 which addresses the issues articulated in (89/391/EEC, 1989). Although a positive step forwards, with the institutional scheme drawn above it would be quite optimistic to expect a full and proper implementation of this act.

Conclusion

The main focus of the study has been the policy convergence on employment policy that took place since the starting of accession negotiations between Turkey and the EU. The patterns of policy change at national level were taken as the dependent variable to be observed and the European Union's conditionality has been the independent variable that alters the national patterns. In order to analyze the impact of the EU on Turkey's employment policy the main question was formulated as *"To what extent does the EU have influence on policy convergence in a candidate country that does not have a clear membership perspective?"* and *'Employment and Social Policy chapter in accession negotiations between Turkey and the EU'* has been chosen as the case of this research as providing to have an answer on this question. It has been argued in this study that *"without a concrete incentive, European Union's impact on a candidate country would be limited"*. Thus, the main objective of this paper was *'analyzing the extent of EU influence on Turkish employment policy.'* Secondary questions designed to address systemically the main research question and prove the hypothesis was as follows: What are the theories that explain policy convergence? What is European Employment approach? What are the issues concerning employment in Turkey-EU accession negotiations? What are the expectations from Turkey and the changes occurred in Turkish employment policy? Do any of the integration theories fit with this case?

Concerning the first question it has been argued that theoretically and empirically, measuring the influence of the EU on candidate countries has been a tough issue. Theoretically, the literature on Europeanization is usually deals with EU governance, institutional change, supranational policy formulation, policy convergence in member states (Schimmelfennig & Sedelmeier, The Europeanization of Central and Eastern Europe, 2005). Moreover, even if literature deals with a candidate country, empirically, domestic structures of subject countries, and the EU perception of those countries and the incentives offered by the EU to them are usually neglected. Although the number of literature dealing with non-member states is increasing, the bulk of the literature on EU influence on domestic structures generally focused on member states not candidate countries (Schimmelfennig & Sedelmeier, Introduction:

Conceptualizing the Europeanization of Central and Eastern Europe, 2005). However, the most interesting cases for Europeanization, like Turkey and other candidate or neighbor countries, left understudied as the literature moves to investigate the precise mechanisms of EU influence (Knill & Lehmkuhl, 2003), (Borzell & Risse, 2003). This makes for a substantial selection preference that affects the outcomes of academic inquiry. However, the dependent variable constitutes the basic conceptual problem that what is measured when the European Impact is measured. Compliance of the candidate states with the EU rule has been analyzed by many researchers, such as: transposition of EU law into their national laws, convergence of some policy areas, institutional change and changing domestic political and economic practices substantially formulized in Copenhagen Criteria and Maastricht Criteria.

It has been claimed in this study that although with some limitations of convergence theories, misuse of some terms and deviation in some theoretical concepts concerning EU – Turkey relations; Europeanization together with institutionalism and conditionality have been suggested as explanatory theoretical framework for policy convergence in EU – candidate country relations. There are several theories, especially institutionalist theories such as historical institutionalism, constructive institutionalism or rational institutionalism. Nevertheless, only Rational Institutionalism explicitly deals with the effect of conditionality used by the EU on candidate countries which is the independent variable of this study. In this study the main argument was that the effectiveness of conditionality is based on a credible membership perspective. Accession to the EU has been presented as the most important reward and motivation that the EU can offer, but it requires being credible.

The paper handled the employment policy of the EU through two important aspects of it. First, rights at work in the EU, especially health and safety issues has been dealt; then respond of the EU against harsh globalization in employment policies, namely the flexicurity approach has been evaluated. EU set certain rights for workers about health and safety at work, equal opportunities for women and men, protection against discrimination, labor law. Member states have to comply with those EU employment rules laid down by concerned directives. The EU has the greatest influence on the area of health and safety at work which has a clear legislative framework. The directive 89/391/EEC on health and safety at work constitutes the general framework and contain measures to improve safety and health at work, such as: encouraging occupational health and safety in all sectors, promoting workers' rights to propose on health and safety issues, and protect workers and ensure their good health at the workplace (89/391/EEC, 1989).

The employment approach of the EU is quite a strict one. It has basically two main dimensions: first the EU aims to provide at least minimum of standards regarding health, safety, working and living conditions, and social cohesion among its citizens; second the EU does not want the fair competition to be jeopardized by labor and work related inequalities in member states. However, the EU still has some serious problems regarding employment, all those standards set by the EU and national governments create a heavy burden for both governments and businesses in the EU. They are subject to both a severe global competition and thus, changing rules of businesses which have direct effect on employment regimes of member states. So, the EU faced a dilemma of securing the jobs and easing businesses to compete with their competitors and adapt the changing rules of business making since 1990s. In other words, the labor markets, employment and working conditions wanted to be more flexible on the one hand; in contrast there is also a resilient claim to provide security for workers, especially more vulnerable group of workers.

The EU responded this dilemma by inventing a new approach in employment: Flexicurity. The logic behind the flexicurity approach is to achieve the targets of providing more and better jobs and simultaneously reform the European social models. Policies that deal with both the flexibility of labor markets, work organization and industrial relations; and employment and social security are needed. So, approach of flexicurity targets to ensure an EU citizen a high level employment security (European Commission, 2007). It also targets helping employers and workers to catch the prospects brought by globalization. Thus, it creates an employment situation which security and flexibility can be existed together. So, flexicurity can be defined as: combined strategy to promote, simultaneously, flexibility and security in the labor market. By flexibility it is meant “successful moves” during a person’s life time e.g. from school to work, from one job to another, between inactivity and work, and from work to retirement (European Commission, 2007). By security it is not only meant securing ones current job but preparing one with the skills that qualify them to progress in their working life (European Commission, 2007). Moreover, security aspect of this policy focuses on unemployment benefits to assist moves from one job to another. The last dimension of flexicurity is about education and training of all workers but especially the old and low skilled workers.

Turkey, as a candidate country, is expected to comply with all of the EU rules and complete the accession negotiations with the EU. Social and Employment Policy is one the topics in accession negotiations which is anticipated to be converged with the EU's. The first major attempt of Turkey was the adoption of a new labor law in 2003. By this law, especially the requirements of EU's flexicurity have also wanted to be met. First, uncommon forms of employment, including part-time work, on-call work, fixed term contracts and temporary employment have been recognized by this act. Secondly, a Job Security Act has been incorporated into this law which changed the rules of employment termination. However, the changes made in Turkish Labor law for providing more flexibility in line with EU's flexicurity principle made Turkish labor market even more flexible considering the wide informality in Turkish labor market. The other integral component of flexicurity is providing reliable and effective lifelong learning systems for employees. Training opportunities after formal education is quite limited in Turkey, and thus this dimension of flexicurity is not at a satisfactory point (ETF, 2011). The third component of EU's flexicurity is the existence of a well-functioning modern social security system. The social security system of Turkey based on two dimensions; social insurance and social assistance. However, this new insurance system has not covered the employees other than the one who have full-time indefinite contracts. Although the new labor law allowed new forms of employment, SSI does not fully cover these uncommon employments. Thus, this system of social security forces people to keep their jobs instead of positive mobility in labor market. Informal workers are not covered by this system, either. Therefore, it can be argued that the Turkish social security system does not encourage employees for mobility in labor market since, it does not provide decent income when the employees are absent from the labor market.

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To conclude, the area of employment policy requires numerous legislations and very effective organizations that can respond every development in the field. Moreover, the industrial relations in every country are deeply institutionalized and it is very difficult to make any change on them. However, there is the pressure of globalization on the European countries including Turkey and in order to survive or pursue at least their current situation in the world economy they have to comply with the changing rules of business making. Total surrendering to this pressure has not been chosen by the European countries as the way of dealing with it, but a way of compromising between globalization and social security and cohesion has been found and named as flexicurity. Thus, the EU continued to secure the employees from market pressures, but at the same time paves way to employers. Turkey is also expected to comply with policies. However, to reorganize labor market in Turkey is quite expensive and needs a generous budget; it requires a serious capacity building in the administration and incorporation of all segments of the labor market into the legal space. These are tough issues to be handled properly and require a high level of enthusiasm and determination. The other candidate countries, now member states, presented that enthusiasm and determination, since they have been supported by considerable amounts financial sources and they had the clear perspective of membership even the date of their accession was already set. However, Turkey could not have been received that amount of financial support and she has not been given a clear perspective of membership as the former candidates had. Thus, Turkey has not wanted to be considered as not working to comply with the EU rules and adopts some laws and regulations in certain fields, but refrain to invest too much financial resource for an unclear future membership of the EU.

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